

Name Robert James Thomas DOC # 2067081  
Address Dawson Co. Correctional Facility  
440 Colorado Blvd. Glendive, MT 59330  
Telephone No. (406) 377-7600  
PRO SE APPELLANT / PETITIONER

FILED  
ORIGINAL  
December 17 2009

Ed Smith  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

JA 09-0674

IN THE SUPREME COURT OF THE STATE OF MONTANA

Supreme Court Cause No. \_\_\_\_\_

FILED

DEC 17 2009

ROBERT JAMES THOMAS  
Appellant,  
(designation of party),

Ed Smith  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

v.

MOTION AND AFFIDAVIT IN SUPPORT  
OF MOTION TO PROCEED ON APPEAL  
WITHOUT PAYMENT OF FILING FEE

STATE OF MONTANA,  
(designation of party).  
Appellee.

I move this Court to proceed without payment of the filing fee in this cause,  
and I submit this Affidavit in support of my motion.

I, Robert J. Thomas, (state your name) being first duly sworn, depose and  
say that I am the Appellant (designation of party) in the above-  
entitled cause; that in support of my application to proceed on appeal without  
being required to pay the filing fee, I state that because of my financial condition I  
am unable to pay the filing fee; that I believe I am entitled to redress; and that the  
issues which I desire to present on appeal are the following:

Did numerous substantial and intentional Constitutional violations culminate  
to convict a man who is actually innocent and now, with newly discovered  
and credible evidence, am I entitled to a post-conviction evidentiary  
hearing to determine if a trial by jury is warranted to prove my  
actual innocence and to right this fundamental miscarriage of justice?

MONTANA DEPARTMENT OF CORRECTIONS

CERTIFICATION OF STATEMENT OF ACCOUNT

I, Annette Wetz, Accounting Technician for the Department of Corrections, do hereby certify that as of today's date 12/15/09, AO# 2067081 has an account balance of 4.06.

Attached is a statement of the above named individual's activity and balance.

Signed Annette Wetz Date 12/15/09

12/15/2009

## Dawson County Correctional Facility

### Resident Activity Statement

Resident Name: THOMAS, ROBERT

Resident ID: 2067081

Housing Location: DCCF,DCCF,None,B,35,1

Date Range:

12/01/2009 Through 12/16/2009

#### Beginning Account Balances:

	Personal Balance	Non-Per Balance	Debt
Court_Fees	\$0.00	\$0.00	(\$334.40)
Trust	\$4.06	\$0.00	\$0.00
<b>Begin Totals</b>	<b>\$4.06</b>	<b>\$0.00</b>	<b>(\$334.40)</b>

#### Ending Account Balances:

	Personal Balance	Non-Per Balance	Debt
Court_Fees	\$0.00	\$0.00	(\$334.40)
Trust	\$4.06	\$0.00	\$0.00
<b>End Totals</b>	<b>\$4.06</b>	<b>\$0.00</b>	<b>(\$334.40)</b>

Date	Amount	Type	Comment	Personal Bal Change	Personal Acct Balance	Non-Personal Change	Non-Personal Acct Bal	Debt Bal Change	Debt Balance
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## Dawson County Correctional Facility

## Resident Activity Statement

Resident Name: THOMAS, ROBERT

Resident ID: 2067081

Housing Location: DCCF,DCCF,None,B,35,1

Date Range:

11/01/2009 Through 12/01/2009

## Beginning Account Balances:

	Personal Balance	Non-Per Balance	Debt
Court_Fees	\$0.00	\$0.00	(\$338.40)
Trust	\$18.00	\$0.00	\$0.00
<b>Begin Totals</b>	<b>\$18.00</b>	<b>\$0.00</b>	<b>(\$338.40)</b>

## Ending Account Balances:

	Personal Balance	Non-Per Balance	Debt
Court_Fees	\$0.00	\$0.00	(\$334.40)
Trust	\$4.06	\$0.00	\$0.00
<b>End Totals</b>	<b>\$4.06</b>	<b>\$0.00</b>	<b>(\$334.40)</b>

Date	Amount	Type	Comment	Personal Bal Change	Personal Acct Balance	Non-Personal Change	Non-Personal Acct Bal	Debt Bal Change	Debt Balance
11/04/2009	(\$2.07)	Transfer Other Funds	DCCF Postage	(\$2.07)	\$15.93	\$0.00	\$0.00	\$0.00	(\$338.40)
11/04/2009	(\$1.05)	Transfer Other Funds	DCCF Postage	(\$1.05)	\$14.88	\$0.00	\$0.00	\$0.00	(\$338.40)
11/04/2009	(\$2.07)	Transfer Other Funds	DCCF Postage	(\$2.07)	\$12.81	\$0.00	\$0.00	\$0.00	(\$338.40)
11/04/2009	(\$4.00)	Transfer Other Funds	DCCF Copy Card	(\$4.00)	\$8.81	\$0.00	\$0.00	\$0.00	(\$338.40)
11/10/2009	(\$0.17)	Transfer Other Funds	DCCF Postage	(\$0.17)	\$8.64	\$0.00	\$0.00	\$0.00	(\$338.40)
11/12/2009	(\$3.79)	Sale	Debit Sale	(\$3.79)	\$4.85	\$0.00	\$0.00	\$0.00	(\$338.40)
11/19/2009	\$60.00	Resident Deposit	DCCF Inmate Pay	\$56.00	\$60.85	\$4.00	\$4.00	\$4.00	(\$334.40)
11/20/2009	(\$4.00)	Transfer Other Funds	DCCF Copy Card	(\$4.00)	\$56.85	\$0.00	\$4.00	\$0.00	(\$334.40)
11/20/2009	(\$13.00)	Transfer Other Funds	DCCF Food Sale	(\$13.00)	\$43.85	\$0.00	\$4.00	\$0.00	(\$334.40)
11/23/2009	(\$2.24)	Transfer Other Funds	DCCF Postage	(\$2.24)	\$41.61	\$0.00	\$4.00	\$0.00	(\$334.40)
11/23/2009	(\$1.39)	Transfer Other Funds	DCCF Postage	(\$1.39)	\$40.22	\$0.00	\$4.00	\$0.00	(\$334.40)
11/25/2009	(\$4.00)	Transfer Other Funds	DCCF Copy Card	(\$4.00)	\$36.22	\$0.00	\$4.00	\$0.00	(\$334.40)
11/25/2009	(\$30.00)	Resident Withdrawal	Leila Segers	(\$30.00)	\$6.22	\$0.00	\$4.00	\$0.00	(\$334.40)
11/25/2009	(\$2.16)	Sale	Debit Sale	(\$2.16)	\$4.06	\$0.00	\$4.00	\$0.00	(\$334.40)
11/30/2009	(\$4.00)	Group Withdrawal	DCCF court fees pymt Nov 09	\$0.00	\$4.06	(\$4.00)	\$0.00	\$0.00	(\$334.40)

## Dawson County Correctional Facility

## Resident Activity Statement

Resident Name: THOMAS, ROBERT

Resident ID: 2067081

Housing Location: DCCF,DCCF,None,B,35,1

Date Range:

10/01/2009 Through 10/31/2009

## Beginning Account Balances:

## Ending Account Balances:

	Personal Balance	Non-Per Balance	Debt		Personal Balance	Non-Per Balance	Debt
Court_Fees	\$0.00	\$0.00	(\$340.00)	Court_Fees	\$0.00	\$0.00	(\$338.40)
Trust	\$0.78	\$0.00	\$0.00	Trust	\$18.00	\$0.00	\$0.00
<b>Begin Totals</b>	<b>\$0.78</b>	<b>\$0.00</b>	<b>(\$340.00)</b>	<b>End Totals</b>	<b>\$18.00</b>	<b>\$0.00</b>	<b>(\$338.40)</b>

Date	Amount	Type	Comment	Personal Bal Change	Personal Acct Balance	Non-Personal Change	Non-Personal Acct Bal	Debt Bal Change	Debt Balance
10/01/2009	(\$0.66)	Sale	Debit Sale	(\$0.66)	\$0.12	\$0.00	\$0.00	\$0.00	(\$340.00)
10/08/2009	\$0.00	Resident Comment	indigent kit issued	\$0.00	\$0.12	\$0.00	\$0.00	\$0.00	(\$340.00)
10/19/2009	\$6.00	Resident Deposit	DCCF Inmate Pay	\$6.00	\$6.12	\$0.00	\$0.00	\$0.00	(\$340.00)
10/19/2009	\$24.00	Resident Deposit	DCCF Inmate Pay	\$22.40	\$28.52	\$1.60	\$1.60	\$1.60	(\$338.40)
10/21/2009	(\$4.00)	Transfer Other Funds	DCCF Copy Card	(\$4.00)	\$24.52	\$0.00	\$1.60	\$0.00	(\$338.40)
10/22/2009	(\$12.86)	Sale	Debit Sale	(\$12.86)	\$11.66	\$0.00	\$1.60	\$0.00	(\$338.40)
10/23/2009	\$12.00	Resident Deposit	Leila Segers	\$12.00	\$23.66	\$0.00	\$1.60	\$0.00	(\$338.40)
10/26/2009	(\$10.29)	Sale	Debit Sale	(\$10.29)	\$13.37	\$0.00	\$1.60	\$0.00	(\$338.40)
10/27/2009	(\$5.75)	Transfer Other Funds	DCCF Postage	(\$5.75)	\$7.62	\$0.00	\$1.60	\$0.00	(\$338.40)
10/27/2009	(\$5.75)	Transfer Other Funds	DCCF Postage	(\$5.75)	\$1.87	\$0.00	\$1.60	\$0.00	(\$338.40)
10/27/2009	(\$1.87)	Transfer Other Funds	DCCF Postage	(\$1.87)	\$0.00	\$0.00	\$1.60	\$0.00	(\$338.40)
10/29/2009	\$18.00	Resident Deposit	Leila Segers	\$18.00	\$18.00	\$0.00	\$1.60	\$0.00	(\$338.40)
10/30/2009	(\$1.60)	Group Withdrawal	DCCF court fee pymt Oct. 09	\$0.00	\$18.00	(\$1.60)	\$0.00	\$0.00	(\$338.40)

**Dawson County Correctional Facility****Resident Activity Statement**

Resident Name: THOMAS, ROBERT

Resident ID: 2067081

Housing Location: DCCF,DCCF,None,B,35,1

Date Range:

09/01/2009 Through 10/01/2009

## Beginning Account Balances:

	Personal Balance	Non-Per Balance	Debt
Court_Fees	\$0.00	\$0.00	(\$340.00)
Trust	\$5.98	\$0.00	\$0.00
<b>Begin Totals</b>	<b>\$5.98</b>	<b>\$0.00</b>	<b>(\$340.00)</b>

## Ending Account Balances:

	Personal Balance	Non-Per Balance	Debt
Court_Fees	\$0.00	\$0.00	(\$340.00)
Trust	\$0.78	\$0.00	\$0.00
<b>End Totals</b>	<b>\$0.78</b>	<b>\$0.00</b>	<b>(\$340.00)</b>

Date	Amount	Type	Comment	Personal Bal Change	Personal Acct Balance	Non-Personal Change	Non-Personal Acct Bal	Debt Bal Change	Debt Balance
09/09/2009	\$0.00	Resident Comment	indigent packet issued	\$0.00	\$5.98	\$0.00	\$0.00	\$0.00	(\$340.00)
09/23/2009	(\$5.20)	Transfer Other Funds	DCCF Postage	(\$5.20)	\$0.78	\$0.00	\$0.00	\$0.00	(\$340.00)
09/30/2009	\$0.00	Change Housing	Automated Housing Change	\$0.00	\$0.78	\$0.00	\$0.00	\$0.00	(\$340.00)

**Dawson County Correctional Facility****Resident Activity Statement**

Resident Name: THOMAS, ROBERT

Resident ID: 2067081

Housing Location: DCCF,DCCF,None,B,35,1

Date Range:

08/01/2009 Through 09/01/2009

## Beginning Account Balances:

	Personal Balance	Non-Per Balance	Debt
Court_Fees	\$0.00	\$0.00	(\$340.00)
Trust	\$12.50	\$0.00	\$0.00
<b>Begin Totals</b>	<b>\$12.50</b>	<b>\$0.00</b>	<b>(\$340.00)</b>

## Ending Account Balances:

	Personal Balance	Non-Per Balance	Debt
Court_Fees	\$0.00	\$0.00	(\$340.00)
Trust	\$5.98	\$0.00	\$0.00
<b>End Totals</b>	<b>\$5.98</b>	<b>\$0.00</b>	<b>(\$340.00)</b>

Date	Amount	Type	Comment	Personal Bal Change	Personal Acct Balance	Non-Personal Change	Non-Personal Acct Bal	Debt Bal Change	Debt Balance
08/04/2009	\$2.30	Direct ROA	Postage refund	\$2.30	\$14.80	\$0.00	\$0.00	\$0.00	(\$340.00)
08/06/2009	(\$0.98)	Sale	Debit Sale	(\$0.98)	\$13.82	\$0.00	\$0.00	\$0.00	(\$340.00)
08/13/2009	(\$1.80)	Sale	Debit Sale	(\$1.80)	\$12.02	\$0.00	\$0.00	\$0.00	(\$340.00)
08/17/2009	(\$2.80)	Transfer Other Funds	DCCF Postage	(\$2.80)	\$9.22	\$0.00	\$0.00	\$0.00	(\$340.00)
08/17/2009	(\$2.80)	Transfer Other Funds	DCCF Postage	(\$2.80)	\$6.42	\$0.00	\$0.00	\$0.00	(\$340.00)
08/18/2009	\$0.00	Change Housing	Automated Housing Change	\$0.00	\$6.42	\$0.00	\$0.00	\$0.00	(\$340.00)
08/26/2009	(\$0.44)	Transfer Other Funds	DCCF Postage	(\$0.44)	\$5.98	\$0.00	\$0.00	\$0.00	(\$340.00)

**Dawson County Correctional Facility****Resident Activity Statement**

Resident Name: THOMAS, ROBERT

Resident ID: 2067081

Housing Location: DCCF,DCCF,None,B,35,1

Date Range:

07/01/2009 Through 08/01/2009

## Beginning Account Balances:

	Personal Balance	Non-Per Balance	Debt
Court_Fees	\$0.00	\$0.00	(\$340.00)
Trust	\$23.43	\$0.00	\$0.00
<b>Begin Totals</b>	<b>\$23.43</b>	<b>\$0.00</b>	<b>(\$340.00)</b>

## Ending Account Balances:

	Personal Balance	Non-Per Balance	Debt
Court_Fees	\$0.00	\$0.00	(\$340.00)
Trust	\$12.50	\$0.00	\$0.00
<b>End Totals</b>	<b>\$12.50</b>	<b>\$0.00</b>	<b>(\$340.00)</b>

Date	Amount	Type	Comment	Personal Bal Change	Personal Acct Balance	Non-Personal Change	Non-Personal Acct Bal	Debt Bal Change	Debt Balance
07/01/2009	(\$4.00)	Transfer Other Funds	DCCF Copy Card	(\$4.00)	\$19.43	\$0.00	\$0.00	\$0.00	(\$340.00)
07/02/2009	(\$0.17)	Transfer Other Funds	DCCF Postage	(\$0.17)	\$19.26	\$0.00	\$0.00	\$0.00	(\$340.00)
07/08/2009	(\$8.00)	Transfer Other Funds	DCCF Copy Cards-2	(\$8.00)	\$11.26	\$0.00	\$0.00	\$0.00	(\$340.00)
07/09/2009	\$50.00	Resident Deposit	Leila Segers	\$50.00	\$61.26	\$0.00	\$0.00	\$0.00	(\$340.00)
07/09/2009	(\$5.85)	Sale	Debit Sale	(\$5.85)	\$55.41	\$0.00	\$0.00	\$0.00	(\$340.00)
07/11/2009	\$0.00	Change Housing	Automated Housing Change	\$0.00	\$55.41	\$0.00	\$0.00	\$0.00	(\$340.00)
07/15/2009	(\$8.00)	Transfer Other Funds	DCCF Copy Card-2	(\$8.00)	\$47.41	\$0.00	\$0.00	\$0.00	(\$340.00)
07/16/2009	(\$11.86)	Sale	Debit Sale	(\$11.86)	\$35.55	\$0.00	\$0.00	\$0.00	(\$340.00)
07/23/2009	(\$5.38)	Sale	Debit Sale	(\$5.38)	\$30.17	\$0.00	\$0.00	\$0.00	(\$340.00)
07/24/2009	\$0.00	Change Housing	Automated Housing Change	\$0.00	\$30.17	\$0.00	\$0.00	\$0.00	(\$340.00)
07/27/2009	(\$5.55)	Transfer Other Funds	DCCF Postage	(\$5.55)	\$24.62	\$0.00	\$0.00	\$0.00	(\$340.00)
07/28/2009	\$0.00	Change Housing	Automated Housing Change	\$0.00	\$24.62	\$0.00	\$0.00	\$0.00	(\$340.00)
07/29/2009	(\$8.00)	Transfer Other Funds	DCCF Copy Card-2	(\$8.00)	\$16.62	\$0.00	\$0.00	\$0.00	(\$340.00)
07/29/2009	(\$4.12)	Sale	Debit Sale	(\$4.12)	\$12.50	\$0.00	\$0.00	\$0.00	(\$340.00)